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9

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 BRUCE MATTHYS,

13 Plaintiff,

14 v.

15 BARRICK TURQUOISE RIDGE, INC., a  
16 Delaware Corporation,

17 Defendant.  
18

CASE NO.: 3:20-cv-00034-LRH-CLB

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY  
[THIRD REQUEST]**

19 Plaintiff Bruce Matthys, (“Plaintiff” or “Matthys”) and Defendant, Nevada Gold Mines,  
20 LLC (“NGM”) and Barrick Turquoise Ridge, Inc., by and through their respective counsel, hereby  
21 stipulate and agree that the discovery cut-off and related deadlines in this case be extended. As  
22 detailed further herein, the additional time is necessary to allow the parties to conduct depositions  
23 of percipient witnesses, a 30(b)(6) deposition of the Defendant, and, if applicable, expert discovery.  
24 The parties believe an extension of the discovery period by one-hundred and twenty (120) days to  
25 **Thursday, July 14, 2022**, will provide adequate time to complete the remaining discovery.

26 This is the third request for an extension of these deadlines. This request is made in good  
27 faith and is not for the purpose of delay. The parties have been engaged in a good faith dispute over  
28 the scope of the 30(b)(6) deposition of defendants in this case, but have yet to receive a ruling from

1 this Court on Plaintiff's Objection to the Magistrate Judge's Order Granting Defendant's Protective  
2 Order filed on August 27, 2021. Pursuant to LR 26-4, the parties provide the following information  
3 to the court in connection with their request for an extension of the discovery deadlines:

4 **A. Statement of Discovery that has been Completed**

5 The parties have exchanged their initial disclosures of documents and witnesses. To date,  
6 the parties have produced over 800 documents and identified more than thirty (30) witnesses. Both  
7 Plaintiff and Defendant have propounded interrogatories, requests for production, and requests for  
8 admissions. The parties recently deposed Thyssen Mining pursuant to Rule 30(b)(6) and a percipient  
9 witness, Jose Garcia, and anticipate additional depositions will be necessary.

10 **B. Description of the Discovery that Remains to be Completed**

11 In light of the COVID-19 limitations and scheduling difficulties, the parties have only  
12 conducted limited discovery related depositions and have not yet conducted discovery related to  
13 experts. Both parties agree that an extension of the discovery cutoff date is necessary to enable the  
14 parties to hold the necessary in-person depositions. The parties hope that, as the pandemic subsides,  
15 people's willingness to travel and appear in person will increase.

16 **C. Reasons the Remaining Discovery was not Completed within the Time Limits set by the  
17 Discovery Plan**

18 Due to the complexity of the issues presented in this case, and the number of witnesses  
19 involved, complications brought on by the global COVID-19 pandemic, the parties have not been  
20 able to complete discovery as efficiently as initially planned. The parties have been litigating the  
21 scope of the 30(b)(6) deposition notice since the beginning of the meet and confer process in May  
22 2021. The parties are awaiting this Court's ruling on Plaintiff's Objection to the Magistrate Judge's  
23 Order Granting Defendant's Protective Orders. ECF No. 48. However, the parties are attempting  
24 to proceed without this Court's Order, the parties believe an Order from this Court would assist them  
25 in avoiding additional disputes regarding the 30(b)(6) deposition in this case.

26 **D. Proposed Schedule for Completing all Remaining Discovery**

27 1. *Discovery Cut-Off Date:*

28 The parties shall complete discovery on or before **July 14, 2022.**

2. *Amending the Pleadings and Adding Parties:*

The date for filing motions to amend the pleadings or to add parties has passed. However, Plaintiff reserves the right to seek amendment to add a related retaliation claim that is still pending administrative exhaustion with the Nevada Equal Rights Commission.

3. *Expert Disclosures:*

The last day for disclosures required by FRCP 26(a)(2) concerning experts shall not be later than 60 days before the discovery cut-off date, and, therefore, not later than **May 16, 2022** [May 15 being a Sunday].

The last day for disclosures regarding rebuttal experts shall be due thirty (30) days after the initial disclosure of experts, on **June 15, 2022**.

4. *Dispositive Motions:*

The Parties shall file dispositive motions not more than thirty (30) days after the discovery cut-off date and, therefore, not later than **August 13, 2022**.

5. *Pretrial Order:*

If no dispositive motions are filed, and unless otherwise ordered by this Court, FRCP 26(a)(3) disclosures shall be made, and the Joint Pretrial order shall be filed not more than thirty (30) days after the date set for filing dispositive motions, and therefore, not later than **September 12, 2022**.

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1 In the event dispositive motions are filed, the last day to file the Joint Pretrial order shall be  
2 suspended until thirty (30) days after the ruling on the dispositive motions.  
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4  
5 DATED: January 14, 2022.

DATED: January 14, 2022.

6  
7 KEMP & KEMP

SIMONS HALL JOHNSTON PC

8  
9 /s/ James P. Kemp, Esq.

/s/ Jonathan A. McGuire, Esq.

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*Attorneys for Defendant*

17  
18 **ORDER**

19 **IT IS SO ORDERED.**

20 Dated: January 18, 2022

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27  
28 UNITED STATES MAGISTRATE JUDGE

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